

## **NOTICE OF PROPOSED RULEMAKING**

### **OFFICE OF THE STATE FIRE MARSHAL TITLE 19, DIVISION 1, CHAPTER 3**

**NOTICE IS HEREBY GIVEN** that the State Fire Marshal proposes to adopt the proposed regulations described below after considering all comments, objections or recommendations regarding the proposed action.

### **PUBLIC HEARING**

The State Fire Marshal has not scheduled a public hearing on this proposed action. However, the State Fire Marshal will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days before the end of the 45 day comment period.

### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Fire Marshal. The written comment period closes at 5:00 p.m. on October 30, 2006. The State Fire Marshal will consider only comments received at the State Fire Marshal office by that time. Submit comments to:

OFFICE OF THE STATE FIRE MARSHAL  
Attention: Kevin Reinertson  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Or by e-mail to  
[Kevin.reinertson@fire.ca.gov](mailto:Kevin.reinertson@fire.ca.gov)  
Or you can fax your comments to:  
Attention: Kevin Reinertson  
(916) 327-4998

### **AUTHORITY & REFERENCE**

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section: 13160 with reference to Sections 13160, 13175.1, and 13183 Health and Safety Code.

### **INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

Health and Safety Code Section 13160 contains provisions authorizing the State Fire Marshal to regulate portable fire extinguishers. This regulatory action would clarify the definitions used in the regulation, update the referenced standards, and clarify existing regulatory requirements. Specifically, this regulatory action will add the definitions for "Accurate Scales" for extinguisher maintenance, cartridge

maintenance, and commercial applications. Although cited in current regulations, there was no clear definition of the term “Accurate Scale”. This action also updates the referenced ANSI/UL standards to the most recent editions. In addition, this action will clarify the requirements for the return of replaced extinguisher parts and acknowledgement of the owner for service conducted on extinguishers prior to its due date. These proposed regulations also address the use of electronic monitoring of fire extinguishers.

## **Modified Sections**

Section 557.1 is being proposed to be amended to add definitions for Accurate scales.

Section 561.2 is being proposed to be amended to update the referenced standards and to add referenced standards for Clean Agent and Loaded Stream/K-class extinguishers.

Section 565.2 is being proposed to be amended to delete reference to Class K hazards.

Section 566(b) is being amended to delete the exception for extinguishers for Class K fires.

Section 568 is being proposed to be amended to correct reference to the correct Table.

Section 573 is being proposed to be amended to addresses extinguishers for multiple hazards in commercial cooking areas

Section 574.1 is being proposed to be amended to reference manual inspection of extinguishers and to include electronic monitoring.

Section 574.2 is being proposed to be amended to recognize when and where electronic monitoring may be used and what it must accomplish.

Section 574.3 is being proposed to be amended to include reference to all conditions where corrective action is necessary and to correctly reference item numbers identified in section 574.2.

Section 574.4 is being proposed to be repealed.

Section 574.5 is being proposed to be renumbered to 574.4 and amended to correctly reference item numbers identified in section 574.2.

Section 574.6 is being proposed to be renumbered to 574.5 and amended to differentiate between the records required to be kept for manual and electronic monitoring. In addition, the section is amended to identify the owner as responsible for the records for a period of not less than one year.

Section 575.1 is being proposed to be amended to address how notification is to be made for returned parts. In addition, an exception is being added to the requirement prohibiting early service.

Section 575.3 is being proposed to be amended to include reference to new definition of accurate scales and how accuracy is determined. In addition, the prohibition of fish scales usage has been added.

Table 4 is being proposed to be amended to add reference to electronic monitoring devices and the corrective action used for certain conditions found during maintenance.

Section 575.4 is being proposed to be amended to relocate the definition of an accurate scale for weighing cartridges to Section 557.1.

Section 578.1 is being proposed to be amended to change the term chemical to agent and to specify the type of accurate scale required when agent is sold by weight.

Section 591.5 is being proposed to be amended to clarify the requirements for replacement extinguishers and to add the requirement for the extinguisher be returned in 60 days.

Section 594.3 is being proposed to be amended to reference Certificate of Registration.

Section 595.1 is being proposed to be amended to delete reference to Certificates of Registration being transferable.

Section 596.1 is being proposed to be amended to deleted reference to the 6 year maintenance from the Hydrostatic Test Labels.

Section 596.2 is being proposed to be amended to change the size of the annual maintenance tags to match that used by other States.

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

The State Fire Marshal has made the following initial determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Section 17561: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant Statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other States: **None**

7. Cost impact on private persons or directly affected businesses: The agency is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.
8. Adoption of these regulations will not:
  - (1) create or eliminate jobs within California
  - (2) create new businesses or eliminate existing businesses within California; or
  - (3) affect the expansion of businesses currently doing business within California
9. Significant effect on housing costs: None

## **SMALL BUSINESS EFFECTS**

The State Fire Marshal has made an initial determination that the amendments to these regulations may affect small business.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5 subdivision (a) (12) the State Fire Marshal must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons of the proposed action.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **CONTACT PERSON**

Inquires concerning the substance of the proposed action or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based may be directed to:

Kevin Reinertson  
P.O. Box 944246  
Sacramento, California 94244-2460  
Telephone: (916) 327-4998  
Fax: (916) 445-8459

The backup contact person for these inquiries is:

James Parsegian  
P.O. Box 944246  
Sacramento, California 94244-2460  
Telephone: (916) 445-8415  
Fax: (916) 445-8458

## **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of this date, this notice is published in the Notice Register. The State Fire Marshal has prepared a statement of reasons for the proposed action. The full text of the regulations, along with the statement of reasons upon which the changes are based is available from the contact person as shown. Copies may be obtained by contacting Kevin Reinertson at the address or telephone number listed above.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the hearing, if required, the State Fire Marshal may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text – with changes indicated – shall be made available to the public for at least 15 days prior to the date which the State Fire Marshal adopts, amends or repeals the regulations. Requests for copies of any modified regulations should be sent to Kevin Reinertson at the address indicated above. The State Fire Marshal will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Kevin Reinertson at the above address.

## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at [www.fire.ca.gov](http://www.fire.ca.gov).